

## INTEROFFICE CORRESPONDENCE

DATE: May 13, 1991

TO: Randy T. Ogg, Remediation Programs Division, Bldg. T130B, X7079

FROM: *J. Crone* Jennifer T. Crone, Remediation Programs Division, Bldg. T130B, X5945

SUBJECT: REGULATORY EVALUATION OF EPA SITE TREATMENT STUDY, INTERCEPTOR TRENCH PUMP HOUSE GROUNDWATER, OPERABLE UNIT 4 (OU-4) - JTC-005-91

The Remediation Programs Division (RPD) of the Environmental Management Department (EM) has assessed the regulatory implications of participating in the EPA Superfund Innovative Technology Evaluation (SITE) program utilizing the Techtran treatment system for treatment of groundwater from the Interceptor Trench Pump House (ITPH). A discussion of the regulatory actions necessary to assure regulatory compliance in this endeavor is presented below.

The following documents were reviewed as a part of this evaluation:

- Rocky Flats Interagency Agreement, January 22, 1991
- Agreement in Principle between the United States Department of Energy and the State of Colorado, June 28, 1989
- RCRA Part B Operating Permit Applications for Hazardous and Radioactive Mixed Waste, November 28, 1986 and December 15, 1987
- RCRA Post Closure Care Permit Applications for Hazardous and Radioactive Waste, November 28, 1986 and October 5, 1988
- RCRA Part B Operating Permit Application for Transuranic (TRU) Mixed Waste, July 1, 1988
- Solar Evaporation Ponds Closure Plan, July 1, 1988
- 55 FR, March 8, 1990, National Oil and Hazardous Substance Pollution Contingency Plan: Final Rule
- 40 CFR 300.430, Remedial Investigation/Feasibility Studies
- 40 CFR 270, Administered Permit Programs

ADMIN RECORD

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A-SW-001746

- 55 FR, July 27, 1990, Corrective Action for Solid Waste Units at Hazardous Waste Management Facilities: Proposed Rule
- RCRA Corrective Action Interim Measures Guidance. Interim Final, June 1988

The regulations and pertinent guidance documents indicate that the type of operation in question, pumping groundwater, possible storage in tanks, and treatment by a Techtran treatment system may constitute an Interim Measure/Interim Remedial Action (IM/IRA). The ITPH water is contaminated with RCRA wastes, thus the "contained in rule" may be applicable which would require a RCRA permit or variance from the agencies in order to treat a RCRA-regulated waste.

Operation of the proposed treatment system for the ITPH water is not covered by any permitting mechanism. Thus, regulatory compliance must be defined by the regulatory agencies for the proposed operation.

The Rocky Flats Plant (RFP) Interagency Agreement (IAG), signed by DOE, EPA, and CDH and which governs investigation and remediation activities, specifies that all IM/IRAs be approved through the IAG. In the event that the regulatory agencies required DOE RFO to conduct an IM/IRA, the IM/IRA process as outlined in the IAG would need to be followed. The IM/IRA process would allow for public involvement and would provide a means of complying with the applicable regulatory regulations/requirements. However, the IM/IRA process is lengthy, approximately 410 working days. Any deviation from the IAG procedures would need to be approved by all of agencies. The IAG also specifies that IM/IRA treatability studies are to be initiated in May 1993. Initiation of this SITE project prior to the scheduled IAG date could conflict with the IAG schedule and must have approval by all agencies prior to project initiation.

In summary, a RCRA permit and/or an IM/IRA study may be required for operation of the Techtran system. The RCRA permit and IM/IRA process can both be long and cumbersome; therefore, the regulatory agencies should be contacted to determine if, for a project of such short duration, a special exception can be made. Also, initiation of the project prior to May 1993 could conflict with the IAG schedule and would require approval of all agencies prior to initiation.

Should you have any questions regarding this matter, please contact me at extension 5945.

JTC:plf

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